



## TOWN OF READFIELD

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8 OLD KENTS HILL RD. • READFIELD, MAINE 04355  
TEL. (207) 685-4939 • FAX (207) 685-3420

### READFIELD PLANNING BOARD

#### AGENDA

Tuesday, June 3, 2014

**7:00 pm: Continuing Application: Robert & Helen Bittar.** Application is for the Reconstruction of a legally existing non-conforming single-family dwelling. The property is located at 26 Mill Stream Road and further identified on the Assessor's map 120 as lot 013. There will be a site visit to the property beginning at 6:15 pm and is also open to the public; however, due to safety concerns the public will not be allowed within the structure.

This application was first heard on May 20, 2014.

**Administrative items:**

- Approve minutes of 05/20/14
- Other items as needed

*Comments from the public are encouraged and welcomed. They will be received at the time and in the order during the meeting as deemed appropriate by the Chair. Written comments from the public will be accepted at the Town Office at any time; however, they must be submitted by the Thursday prior to the next scheduled meeting in order for them to be considered at that meeting.*

*If you have any questions regarding this agenda or would like to be placed on a future agenda, please call the Code Enforcement Office at 685-3290.*

**Next scheduled meeting: June 17, 2014**



## TOWN OF READFIELD

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### Notice of Public Hearing Tuesday, June 3rd, 2014

The Town of Readfield **Planning Board** will conduct a **Public Hearing** at the Town Office at 8 Old Kents Hill Road, beginning at **7:00 PM** on the above date. The purpose of the Hearing is to receive comments regarding an application submitted by **Robert & Helen Bittar** to reconstruct the framework and foundation of a legally existing non-conforming single-family dwelling located at 26 Mill Stream Road, further identified on the Assessor's map 120 as lot 013. There will be a site visit by the Planning Board prior to the Hearing, beginning at 6:15 p.m. The site visit is open to the public however, the Board has granted the applicant's request not to allow the public within the structure because of safety concerns.

This application is on file at the Town office for public inspection and was first heard on May 20, 2014. If you cannot attend the Hearing, the Planning Board will accept written comments submitted to the Town Office prior to the Hearing.

If you have any questions regarding the above applications please contact the Code Enforcement Officer at 685-3290.

TO: Cindy Marcoux  
Kennebec Journal, ATTN: Legal Notices  
Fax: 623-0614 Phone: 623-3811  
e-mail: cmarcoux@centralmaine.com

FROM: Town of Readfield Planning Board

DATE: May 22, 2014

RE: Legal Notice

Please publish the following legal notice one time in the Legal Notices section of the Kennebec Journal **as soon as possible**. Please bill the Town of Readfield, ATTN: Planning Board, 8 Old Kents Hill Road, Readfield, ME 04355 and provide us with a tear sheet of the ad. If you have any questions, please call Clif Buuck, Code Enforcement Officer, at 685-3290. Thank you.

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Town of Readfield  
Tuesday, June 3, 2014**

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*Published  
5/23/14*



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This application is on file at the Town office for public inspection and was first heard on May 20, 2014. If you cannot attend the Hearing, the Planning Board will accept written comments submitted to the Town Office prior to the Hearing.

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Roland M. Cote and  
Phyllis A. Thurlow  
Page 2  
October 28, 1983

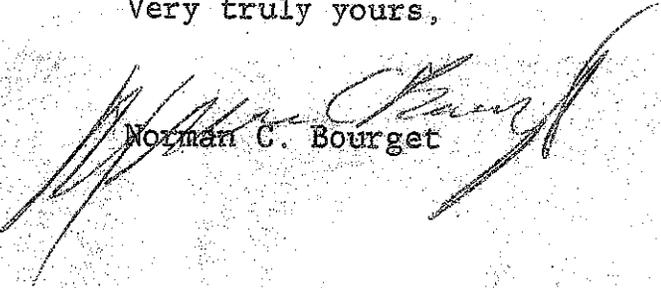
Route 17 from Readfield to Kents Hill was constructed about that time, which was the reason for the taking by the State of Maine.

3. Deed recorded in Book 1168, Page 385 contains restrictions. If Mildred H. Humphrey is still alive and owns and occupies her present house, as of 1959, you cannot construct buildings of any kind without her consent in writing. [There is also a restriction for a right of way to lay and maintain water pipes from a spring to Mildred Humphrey's residence.]

4. 1983 taxes have not been checked.

Other exceptions: Any bankruptcy proceedings and any and all provisions of zoning ordinances, state and federal land use regulations and any other ordinance, municipal or quasi-municipal regulation or private law and any condition which an examination of the premises might reveal.

Very truly yours,

  
Norman C. Bourget

NCB/prb

That I, Mildred H. Humphrey of Readfield in the County of Kennebec and State of Maine

in consideration of one (\$1.00) dollar and other sufficient and valuable considerations

paid by F. Boardman Fish Jr. and Elizabeth M. Fish, husband and wife, both now or formerly of said Readfield

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said F. Boardman Fish, Jr. and Elizabeth M. Fish

as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, forever, a certain

lot and parcel of land situated in said Readfield on the Easterly side of the County Road leading from the Factory Village, so called, in Readfield, to Winthrop and described as follows, viz. Beginning on the East line of the above mentioned Road at a point nearly opposite to the house now or formerly of William G. Daicy on the South line of land of said Daicy (formerly of J. P. Johnson); thence Easterly of the South line of said Daicy's land, and land formerly of J. N. Fogg to the Mill Stream; thence on the Southerly side of said Stream to land formerly owned by Lewis Davis; thence Southerly on the line of said Davis' land to land now or formerly owned or occupied by Walter Smith (formerly of Jordan); thence Westerly on said Smith's land to the East line of land now or formerly of M. C. Williams (formerly of A. Stevens); thence Northerly and Easterly on said Williams' land to the aforementioned County Road; thence Northerly on the East line of said Road to the point of beginning, being the same premises known as the Charles Greeley Pasture.

Meaning and intending to describe the second listed parcel of land as contained and described in the Warranty Deed from B. Francis James and Lois P. James to Mildred H. Humphrey, dated June 11, 1952 and recorded in Kennebec County Registry of Deeds Book 919 at Page 584.

Excepting and reserving, however, a certain lot or parcel of land containing three (3) acres which was formerly a part of the above described parcel but which was sold and transferred to Walter Ladd by deed of Harlie O. Wetherby.

It is stipulated and agreed that the said F. Boardman Fish, Jr. and Elizabeth M. Fish will erect a suitable fence and build a suitable platform around the Spring located on the above described property, said Spring being the source of Water supply for the residence and use of Mildred Humphrey. Also it is stipulated and agreed that the said F. Boardman Fish Jr. and Elizabeth M. Fish shall and will not erect any building or buildings, of any kind, on said premises while the said Mildred H. Humphrey owns and/or occupies her present house, without her consent in writing.

Excepting and reserving said Spring, together with a right-of-way to lay and maintain water pipes from said Spring to the residence of said Mildred H. Humphrey over the same course and location wherein pipes are now maintained. Meaning and intending to convey the second described parcel of land which was conveyed to me (Mildred H. Humphrey) by the Warranty Deed of B. Francis James and Lois James, dated June 11, 1952 and recorded in Kennebec County Registry of Deeds Book 919 at Page 584, also being the same premises as described in a Bond for a Deed dated April 23, 1955 and recorded in said Registry Book 997 at Page 127.

**Readfield Planning Board Minutes**  
**May 20, 2014 - Unapproved**

**Board members present:** William Buck, Paula Clark, Jay Hyland, Jack Comart and Andrews Tolman.  
**Others attending:** Clif Buuck (CEO), Sarah Demers, Tom Dunham and Robert Bittar.

The meeting was called to order at 6:32 pm by Paula Clark.

**New Application:** The Applicant Sarah Demers gave a summary of her application, which is for a re-subdivision (division) of lot 2 of the Parker Lot East subdivision, approved August 21, 1984. The lot is located at 17 Partridge Hollow Lane and further identified on the assessor's map 135 as lot 026.

There was a discussion regarding the deed restriction prohibiting further divisions of the subdivision lots. Due to the complexity of the situation this may require an agreement of the other property owners prior to the board making a decision. It is a four-lot subdivision. The applicant said there is a formal legal document being drawn up for the owners to sign if in agreement to remove the covenant from her deed only. It would be a creation of one new lot. Septic site requirements were discussed. The proposed new lot is at least two acres in size.

Paula Clark led the discussion and said the application would be considered a minor modification to a major subdivision, or a revision to an already approved plan. Clif Buuck suggested talking with other property owners, and if no objections are noted, to then hire a septic designer who could issue a letter of soil suitability for the new lot. Sarah Demers said she would have a surveyor put in a new pins, but not until the board approved the division. There was a continued discussion.

Paula Clark said it would be necessary to follow the new application process because it is a change to an existing subdivision. It was noted there is no formal road association. A driveway entrance would be placed off of the private road (Partridge Hollow Lane). The newly created lot would have the same conditions; the existing right-of-way would continue to exist for the new proposed lot.

Ms. Demers will work on the soils test and she will work with the other subdivision lot owners and stay in touch with Mr. Buuck as to a timeline for application.

**Administrative items:**

- Review of the minutes of 04/15/2014: **Motion** by Mr. Tolman to approve the minutes of 04/15/2014, **second** Mr. Buck; **vote** 4-0-1 (Mr. Comart abstained due to absence).
- Paula Clark said she may be able to get Joel Greenwood from KVCOG to a June meeting for a wind tower discussion. The date of 06/17/2014 was discussed or it could be moved into July.

**New Application:** Bob Bittar arrived at 7:45 pm and his application was reviewed. It is for the reconstruction of a legally existing non-conforming single-family dwelling. The property is located at 26 Mill Stream Road and further identified on the assessor's map 120 as lot 013. The board of appeals has heard an appeal and the stop work order has been upheld.

Paula Clark referenced the portion of the ordinance of the non-conforming structure but said it does not really address a property that has fallen into disrepair over time. By definition it is a reconstruction because the cost of the repair that is being accomplished is greater than 50% of the market value of the structure. She said it is non-conforming on two points – it is within 75 feet of a wetland and it is within the setback of the road. Jack Comart talked about relocation of the structure to greatest practical extent. There is an outdated septic design that was procured by previous owner Greg Gill. Mr. Bittar summarized what his application is for. He said the

roof needs two more pieces of metal to repair it. The foundation has some stones that have to be mortared in and there are 6-7 pieces of concrete block that need to be placed. He would also like approval to have wiring and a meter installed which is necessary to finishing closing up the building. The floor also has to be repaired. Essentially, repairs are to consist of framing, siding, roofing and foundation to solidify and secure the structure—no finish work at this point. Paula Clark explained the planning board, if approved, could approve the existing repairs and any future repairs. The building is in rural residential. There was a discussion. There will be no internal plumbing at this point, so there is no need for a septic system. Ms. Clark said she thinks the board is obligated under the terms of the ordinance to look at compliance to the greatest practical extent. There is no expansion. Mr. Bittar said it is approximately 72 feet to the stream. There was a continued discussion about setbacks. There was a continued discussion regarding repair of a non-conforming structure. Stages of reconstruction were discussed. Mr. Bittar explained the process of his repair to date and what he wishes to continue these repairs. Paula Clark explained the planning board site review process.

**Motion** by Mr. Comart to find the application complete, to notify abutters, schedule a public hearing and schedule a site visit, **second** by Mr. Hyland; vote 5-0-0.

A site visit scheduled for 06/03/2014 at 6:15 pm followed by a public hearing at 7 pm.

Tom Dunham gave a summary of how he interpreted the portion of the ordinance in regard to the board of appeals decision.

The meeting was adjourned at 8:45 pm.

Recorded by Deborah Nichols

FYI

**Readfield CEO**

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**From:** "Stefan Pakulski" <readfield.tmgr@roadrunner.com>  
**To:** "Mark Birtwell" <readfield.maint@ne.twcbc.com>; "CEO and LPI" <readfield.ceo@roadrunner.com>  
**Sent:** Tuesday, May 27, 2014 1:12 PM  
**Subject:** FW: DEP citation  
FYI

Here's the DEP report on McGee erosion incident:

<http://www.maine.gov/tools/whatsnew/attach.php?id=612906&an=1>

**State of Maine and Maine Department of Environmental Protection v. Steve McGee Construction, LLC and Steven A. McGee, Readfield, Maine.** Steve McGee Construction, LLC ("McGee Construction") and Steven A. McGee ("Steven McGee") violated Maine's *Protection and Improvement of Waters* law by discharging pollutants to waters of the State without first obtaining a permit from the Department. Specifically, McGee Construction and Steven McGee failed to put effective erosion control in place while conducting a clear-cutting and stumping operation to create a 22-acre field. After a significant rain event, large quantities of run-off containing pollutants (rock, dirt, and sand) were discharged into an unnamed stream and Torsey Pond. By displacing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment into a protected natural resource McGee Construction and Steven McGee also violated Maine's *Erosion and Sedimentation Control* law. To resolve the violations, in a Consent Decree and Order agreed to by the parties and approved by the court, McGee Construction and Steven McGee agreed to: have all employees of McGee Construction currently certified in Erosion and Sediment Control Practices attend training and be recertified; until June 30, 2015, submit a plan for specific erosion control measures to the Department at least three days prior to commencing any soil disturbance greater than one acre and implement the plan unless otherwise directed by the Department; until June 30, 2015, hire a third-party inspector for all projects greater than five acres of disturbed area to inspect the project on an ongoing basis for compliance with state environmental laws; and not bid on or enter into any contract with the Department until December 31, 2014. In addition, McGee Construction and Steven McGee agreed to pay \$50,000 as a civil monetary penalty, according to a payment schedule